

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

<b>In re Application of:</b>	<b>O'Brien</b>
<b>Application No.:</b>	<b>10/725178</b>
<b>Filed:</b>	<b>December 1, 2003</b>
<b>For:</b>	<b>Cutting Balloon Having Sheathed Incising Elements</b>
<b>Examiner:</b>	<b>Diane D. Yabut</b>
<b>Group Art Unit:</b>	<b>3734</b>

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Docket No.: S63.2-13172-US01**

**TRANSMITTAL LETTER**

1. In regard to the above-identified application, in addition to this 1 page transmittal letter, we are submitting the attached: 25 page Appeal Brief
2. With respect to fees:
  - Please charge any fees due to Deposit Account No. 22-0350.
  - No fee is believed to be due.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**

This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefore.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.
5. **Certification:** I hereby certify that this Transmittal Letter and the paper(s) as described herein are being transmitted electronically to the USPTO on March 11, 2008.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: March 11, 2008

By: / Jennifer L. Buss /

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